

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - -x

UNITED STATES OF AMERICA :

-v- :

AHMED MOHAMMED GABER, :  
a/k/a "Sam," :

Defendant. :

- - - - -x

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>JUL 28 2008</u>
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INFORMATION

08 Cr.

**08 CRIM 691**

COUNT ONE

The United States Attorney charges:

1. From at least in or about 2004, up to and including in or about March 2008, in the Southern District of New York and elsewhere, AHMED MOHAMMED GABER, a/k/a "Sam," the defendant, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, to violate Section 1344 of Title 18, United States Code.

2. It was a part and an object of the conspiracy that AHMED MOHAMMED GABER, a/k/a "Sam," the defendant, and others known and unknown, unlawfully, willfully, and knowingly would and did execute a scheme and artifice to defraud financial institutions, the deposits of which were then insured by the Federal Deposit Insurance Corporation, and to obtain moneys, funds, credits, assets, securities, and other property owned by,

and under the custody and control of, such financial institutions, by means of false and fraudulent pretenses, representations, and promises, in violation of Title 18, United States Code, Section 1344.

(Title 18, United States Code, Section 1349.)

COUNT TWO

The United States Attorney further charges:

3. On or about February 25, 2008, in the Southern District of New York and elsewhere, AHMED MOHAMMED GABER, a/k/a "Sam," the defendant, unlawfully, willfully, and knowingly, executed and attempted to execute a scheme and artifice to defraud a financial institution, the deposits of which were then insured by the Federal Deposit Insurance Corporation, and to obtain monies, funds, credits, assets, securities, and other property owned by, and under the custody and control of, such financial institution, by means of false and fraudulent pretenses, representations, and promises, to wit, GABER directed an undercover agent and a co-conspirator not named herein to apply for a fraudulent business bank account at a Bank of America branch located in Manhattan, New York.

(Title 18, United States Code, Section 1344 & 2).

Forfeiture Allegation

4. As a result of committing the offenses alleged in Counts One and Two of this Information, AHMED

MOHAMMED GABER, a/k/a "Sam," the defendant, shall forfeit to the United States, pursuant to 18 U.S.C. § 982, any and all property constituting or derived from any proceeds the defendant obtained directly or indirectly as a result of the said violations and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violations alleged in this Information.

Substitute Asset Provision

5. If any of the above-described forfeitable property, as a result of any act or omission of AHMED MOHAMMED GABER, a/k/a "Sam," the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value;
- or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 18 U.S.C. § 982, to seek forfeiture of any other property of AHMED MOHAMMED GABER, a/k/a "Sam," the defendant, up to the value of the above

forfeitable property.

(Title 18, United States Code, Section 982.)

A handwritten signature in black ink that reads "Michael J. Garcia". The signature is written in a cursive style with a horizontal line extending to the right.

MICHAEL J. GARCIA  
United States Attorney